**LPDES PERMIT NO. LA0082279 (Agency Interest No. 18584)**

**LPDES STATEMENT OF BASIS**
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

| | | |
|---|---|---|
| I. | **Company/Facility Name:** | Nan Ya Plastics Corporation, America<br>Nan Ya Plastics and J-M Manufacturing Companies<br>5561 Normandy Lane<br>Batchelor, Louisiana 70715 |
| II. | **Issuing Office:** | Louisiana Department of Environmental Quality (LDEQ)<br>Office of Environmental Services<br>Water Permits Division<br>Post Office Box 4313<br>Baton Rouge, Louisiana 70821-4313 |
| III. | **Prepared By:** | Melanie Connor<br>Industrial Water Permits Section<br>Water Permits Division<br>Phone #: (225) 219-3088<br>Fax #: (225) 219-3309<br>E-mail: melanie.connor@la.gov |
| | **Date Prepared:** | August 14, 2009 |

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.4901, 4903, and 2301.F.

## IV. Permit Action/Status:

A. Reason for Permit Action:

Proposed reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2365/40 CFR 122.46.

In order to ease the transition from NPDES to LPDES permits, dual regulatory references are provided where applicable. The LAC references are the legal references while the 40 CFR references are presented for informational purposes

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only. In most cases, LAC language is based on and is identical to the 40 CFR language. 40 CFR Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903 and will not have dual references. In addition, state standards (LAC 33:IX. Chapter 11) will not have dual references.

B. LPDES permit: Permit Effective Date – August 1, 2004
Permit Expiration Date – July 31, 2009

C. Application submittal date: Application submitted on February 9, 2009.

**V. Facility Information:**

A. Location – 5561 Normandy Lane, Batchelor, Pointe Coupee Parish (Latitude 30°49'32", Longitude 91°39'35").

B. Applicant Activity -

According to the application, Nan Ya Plastics Corporation, America manufactures PVC films. In the process, PVC resins are combined with plasticizers and fillers, and then are mixed and heated. The resin then goes through rolling, extruding and calendaring processes to produce PVC film. The average production of PVC film is 3,000 tons/month. As a result of the heating process, a portion of the plasticizers is vaporized. As a result of this, a sticky mixture of fumes and PVC powder is collected by a cyclone recovery system and disposed of off-site. The cooling, chilling and heating systems were designed to be isolated from production lines to prevent any contact between product and process water.

J-M Eagle is a manufacturer of PVC plastic piping for potable water, sewer and electrical conduits. The process primarily uses PVC resins in bulk combined with plasticizers by direct heating in a molder. Pipe is extracted by pressure. A cooling system is used to reduce the temperature of the product. The average production of PVC pipe is 1,000 tons/month

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Guideline Applicability

It has been determined that effluent guidelines promulgated at 40 CFR 463 (Plastics Molding and Forming) are not applicable to manufacturing at Nan Ya Plastics or J-M Eagle. The effluent guidelines are divided into 3 Subparts – Contact Cooling and Heating Water Subcategory (Subpart A), Cleaning Water Subcategory (Subpart B),

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and Finishing Water Subcategory (Subpart C). The guidelines are only applicable to cooling, heating, cleaning and finishing waters that come in direct contact with the product or equipment that directly contacts the product. The wastewaters at Nan Ya Plastics and J-M Eagle do not come in contact with the product or equipment that has contacted the product. Therefore, the effluent guidelines have not been applied to the facility.

D. Fee Rate -
1. Fee Rating Facility Type: Minor
2. Complexity Type: II
3. Wastewater Type: III
4. SIC code: 3081

**VI. Receiving Waters:** Parish Canal L-2D1, thence to Bayou Latenache, thence to Bayou Johnson, thence to Atchafalaya River

A. River Basin: Atchafalaya River Basin, Segment No.: 010401

B. Designated Uses: primary contact recreation, secondary contact recreation, fish and wildlife propagation

**VII. Outfall Information:**

Outfall 001

A. Type of wastewater – The continuous discharge of de-ionized water, cooling tower blowdown, boiler blowdown, oily water from the calendaring process, and sanitary wastewater

B. Location – At the point of discharge from the treatment facility prior to combining with other waters and discharge into the Parish Canal (Latitude 30°49'32", Longitude 91°39'35")

C. Treatment – pH adjustment and activated sludge (for CTBD, boiler BD and deionized water); oil water separation, air flotation and activated carbon (for oily water from the calendaring process); and activated sludge (for the sanitary wastewater)

D. Flow – 0.0719 MGD

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E. Receiving waters – Parish Canal L-2D1, thence to Bayou Latenache, thence to Bayou Johnson, thence to the Atchafalaya River

F. Basin and segment – Atchafalaya River Basin, Segment 010401

Outfall 002

A. Type of wastewater – The intermittent discharge of stormwater runoff from Nan Ya Plastics

B. Location – At the point of discharge from the stormwater discharge gate at the northeastern corner of the Nan Ya Plastics plant prior to combining with the waters the Parish Canal (Latitude 30°49'51", Longitude 91°39'33")

C. Treatment – None

D. Flow – varies with rainfall

E. Receiving waters – Parish Canal L-2D1, thence to Bayou Latenache, thence to Bayou Johnson, thence to the Atchafalaya River

F. Basin and segment – Atchafalaya River Basin, Segment 010401

Outfall 003

A. Type of wastewater – The intermittent discharge of stormwater runoff from J-M Eagle Manufacturing

B. Location – At the point of discharge from the stormwater discharge gate at the southern corner of the J-M Eagle Manufacturing facility prior to combining with the waters of the Parish Canal (Latitude 30°49'19", Longitude 91°39'39")

C. Treatment – None

D. Flow – varies with rainfall

E. Receiving waters – Parish Canal L-2D1, thence to Bayou Latenache, thence to Bayou Johnson, thence to the Atchafalaya River

F. Basin and segment – Atchafalaya River Basin, Segment 010401

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## VIII. Proposed Permit Limits and Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

A. PROPOSED EFFLUENT LIMITATIONS:

**Outfall 001** – The continuous discharge of de-ionized water, cooling tower blowdown, boiler blowdown, oily water from the calendaring process, and sanitary wastewater

| Parameter | Proposed Permit Limitations | | Monitoring Frequency |
|---|---|---|---|
| | Monthly Average mg/L | Daily Maximum mg/L | |
| Flow (MGD) | Report | Report | Continuous |
| pH | 6.0 s.u. (Min) | 9.0 s.u. (Max) | 1/day |
| $BOD_5$ | 30 | 45 | 1/week |
| TSS | 30 | 45 | 1/week |
| Oil & Grease | --- | 15 | 3/week |
| Fecal Coliform | 200 col./100 ml | 400 col./100 ml | 1/week |

***EFFLUENT LIMITATIONS BASIS for Outfall 001:***

**Flow:** The requirement to report flow is based upon LAC 33:IX.2707.I.1.b.

**TSS and $BOD_5$:** Limitations are based upon the previous permit and secondary treatment standards for sanitary wastewaters.

**Fecal Coliform:** Limitations are based upon the previous permit and the LPDES Class IV Sanitary General Permit (LAG570000).

**Oil and Grease:** Limitations are based on BPJ and the current permit due to the presence of utility wastewaters.

**pH:** Requirements are based upon LAC 33:IX.1113.C.1.

**Outfall 002** – The intermittent discharge of stormwater runoff from Nan Ya Plastics

**Outfall 003** – The intermittent discharge of stormwater runoff from J-M Eagle Manufacturing

| Parameter | Proposed Permit Limitations | | Monitoring Frequency |
|---|---|---|---|
| | Monthly Average mg/L | Daily Maximum mg/L | |
| Flow | Report | Report | 1/quarter |
| pH | 6.0 s.u.(min) | 9.0 s.u.(max) | 1/quarter |
| TOC | ---- | 50 mg/L | 1/quarter |
| Oil & Grease | ---- | 15 mg/L | 1/quarter |

***EFFLUENT LIMITATIONS BASIS for Outfalls 002 and 003:***

**Flow**: The requirement to report flow is based upon LAC 33:IX.2707.I.1.b.

**TOC and Oil & Grease**: Limitations are based upon BPJ and LDEQ's stormwater guidance [letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)].

**pH**: Requirements are based upon LAC 33:IX.1113.C.1.

B. MONITORING FREQUENCIES

Monitoring frequencies for all parameters are based upon office practices for similar discharges and the previous permit.

## IX. Compliance History/DMR Review:

A. Compliance History – There are no open enforcement actions against the facility as of August 21, 2009.

B. DMR Review – DMRs were reviewed for the period January 2007 and March 2009. The following excursions were reported:

| Parameter | Date | Outfall | Limitation | Sample Result |
|---|---|---|---|---|
| TSS | 3/2009 | 001 | 30 : 45 mg/l | 89.5 : 325 mg/l |
| TSS | 8/2008 | 001 | 45 mg/l (max) | 54 mg/l (max) |
| Fecal Coliform | 8/2008 | 001 | 400 col/100ml (max) | >60,000 (max) |
| Fecal Coliform | 5/2008 | 001 | 200:400 col/100ml | 3500:14000 |
| TSS | 9/2007 | 001 | 75 mg/l (max) | 45 mg/l (max) |
| Fecal Coliform | 8/2007 | 001 | 400 col/100ml (max) | 900 (max) |
| Oil & Grease | 2nd qtr 2007 | 002 | 15 mg/l | 26.7 mg/l |
| Fecal Coliform | 6/2007 | 001 | 200 : 400 col/100ml | 250 : 1000 |
| Fecal Coliform | 5/2007 | 001 | 400 col/100ml (max) | 900 (max) |

C. Inspections – The last inspection of the facility was 5/11/04. No areas of concern were noted on the inspection report.

## X. Endangered Species:

The receiving waterbody for Nan Ya Plastics Corporation, America is Subsegment 010401 of the Atchafalaya River Basin. The receiving waterbody, Subsegment 010401, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008, from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

## XI. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

## XII. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharges described in the application.

## XIII. Variances:

No requests for variances have been received by this Office.

## XIV. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

A public notice will be published in a local newspaper of general circulation and in the Office of Environmental Services Public Notice Mailing List.

## XV. TMDL Waterbodies:

Nan Ya Plastics discharges utility wastewaters, deionized water, oily wastewaters, stormwater and sanitary wastewaters to Segment 010401. Segment 010401 is listed on LDEQ's Final 2006 303(d) List, as impaired for mercury and dissolved oxygen. To date no TMDLs have been established. Due to the type of wastewaters discharged from the facility, this Office does not expect the discharge of mercury to waters of the state. Therefore, no requirements for mercury monitoring have been included in the permit. With regard to the dissolved oxygen impairment, because the facility discharges sanitary wastewater, the permit has established limitations for $BOD_5$ to protect the receiving water from further impairment. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

## XVI. Stormwater Pollution Prevention Plan (SWP3) Requirements:

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. For first time permit issuance, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. For renewal permit issuance, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2522.B.14 [40 CFR 122.26(b)(14)].